

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 157

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO SAMPLE COLLECTIONS; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 19-2512A, IDAHO CODE, TO PROVIDE FOR
3 THE COLLECTION OF A DNA SAMPLE AND THUMBPRINT IMPRESSION IN CERTAIN
4 INSTANCES; AMENDING SECTION 19-5501, IDAHO CODE, TO REVISE LEGISLA-
5 TIVE FINDINGS; AMENDING SECTION 19-5502, IDAHO CODE, TO DEFINE A TERM;
6 AMENDING SECTION 19-5506, IDAHO CODE, TO REVISE PROVISIONS REGARDING
7 OFFENDERS SUBJECT TO SAMPLE COLLECTION; REPEALING SECTION 19-5507,
8 IDAHO CODE, RELATING TO THE RESPONSIBILITY FOR, TIMING OF, AND SITE FOR
9 A SAMPLE COLLECTION; AMENDING CHAPTER 55, TITLE 19, IDAHO CODE, BY THE
10 ADDITION OF A NEW SECTION 19-5507, IDAHO CODE, TO ESTABLISH PROVISIONS
11 REGARDING THE RESPONSIBILITY FOR, TIMING OF, AND SITE FOR A SAMPLE COL-
12 LECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
13

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 19-2512A, Idaho Code, and to read as follows:

18 19-2512A. COLLECTION OF DNA SAMPLE AND THUMBPRINT IMPRESSION. At the
19 time of sentencing, the court shall order the collection of a DNA sample and
20 thumbprint impression from any person who is convicted of, or pleads guilty
21 to, any serious crime as defined in section 19-5502(10), Idaho Code, accord-
22 ing to the process set forth in section 19-5507, Idaho Code.

23 SECTION 2. That Section 19-5501, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 19-5501. LEGISLATIVE FINDINGS -- STATEMENT OF PURPOSE. The legisla-
26 ture finds that DNA (deoxyribonucleic acid) identification analysis is a
27 useful law enforcement tool for identifying and prosecuting ~~felony~~ offend-
28 ers who have committed serious crimes, as defined in this chapter, and that
29 it is in the interest of justice and the protection of the public that the
30 roles and responsibilities of those responsible for collection be clearly
31 defined so that efficient and timely collection of DNA samples take place.
32 The purpose of this act is to assist federal, state and local criminal
33 justice and law enforcement agencies within and outside the state in the
34 detection and prosecution of individuals responsible for ~~felony~~ serious
35 crimes, as well as in the exclusion of suspects who are being investigated
36 for such crimes.

37 SECTION 3. That Section 19-5502, Idaho Code, be, and the same is hereby
38 amended to read as follows:

1 19-5502. DEFINITIONS. (1) "CODIS" means the federal bureau of inves-
2 tigation's combined DNA index system that allows the storage and exchange of
3 DNA records submitted by state and local forensic laboratories.

4 (2) "Director" means the director of the Idaho state police.

5 (3) "DNA" means deoxyribonucleic acid.

6 (4) "DNA analysis" means the scientific test of a DNA sample for the
7 purpose of obtaining a DNA profile.

8 (5) "DNA profile" means the list of one (1) or more genetic types deter-
9 mined for an individual based on variations in DNA sequence.

10 (6) "DNA record" means DNA information stored in the statewide DNA
11 database system of the bureau of forensic services or CODIS and includes
12 information commonly referred to as a DNA profile.

13 (7) "DNA sample" means a body fluid or tissue sample provided by any
14 person convicted of a felony crime or any body fluid or tissue sample submit-
15 ted to the statewide DNA database system for analysis pursuant to a criminal
16 investigation or missing person investigation.

17 (8) "Forensic laboratory" means the bureau of forensic services of the
18 Idaho state police.

19 (9) "Law enforcement purpose" means to assist federal, state or local
20 criminal justice and law enforcement agencies within and outside the state
21 of Idaho in identification or prosecution of felony crimes or other crimes
22 and the identification and location of missing and unidentified persons.

23 (10) "Serious crimes" means any felony crime; the attempt to commit any
24 felony crime; any crime that requires sex offender registration pursuant
25 to sections 18-8304 and 18-8410, Idaho Code; domestic violence, misde-
26 meanor (18-918, Idaho Code); sexual exploitation by a medical care provider
27 (18-919, Idaho Code); sexual battery (18-924, Idaho Code); injury to chil-
28 dren, misdemeanor (18-1501, Idaho Code); indecent exposure, misdemeanor
29 (18-4116, Idaho Code); soliciting commercial sexual activity, misdemeanor
30 (18-5614, Idaho Code); or stalking in the second degree (18-7906, Idaho
31 Code), regardless of the form of judgment or withheld judgment and regard-
32 less of the sentence imposed or disposition rendered.

33 ~~(10)~~ (11) "Statewide DNA databank" means the state repository of DNA
34 samples collected under this chapter.

35 ~~(11)~~ (12) "Statewide DNA database system" means the DNA record system
36 administered by the Idaho bureau of forensic services.

37 SECTION 4. That Section 19-5506, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 19-5506. SCOPE OF LAW -- OFFENDERS SUBJECT TO SAMPLE COLLECTION --
40 EARLY COLLECTION OF SAMPLES -- RESTITUTION. (1) Any person, including any
41 juvenile tried as an adult, who is convicted of, or pleads guilty to, any
42 felony crime, ~~the attempt to commit any felony crime or any crime that re-~~
43 ~~quires sex offender registration pursuant to sections 18-8304 and 18-8410,~~
44 ~~Idaho Code, regardless of the form of judgment or withheld judgment, and~~
45 ~~regardless of the sentence imposed or disposition rendered~~ serious crime,
46 as defined in section 19-5502(10), Idaho Code, shall be required to provide
47 to the Idaho state police a DNA sample and a right thumbprint impression, as
48 provided in section 19-5507, Idaho Code.

1 (2) Absent consent or a warrant authorizing DNA collection based upon
2 on probable cause, no person shall be required to provide a DNA sample unless
3 the person has been convicted of, or pleads guilty to, any felony crime, the
4 attempt to commit any felony crime or any crime that requires sex offender
5 registration pursuant to sections 18-8304 and 18-8410, Idaho Code a serious
6 crime, as defined in section 19-5502(10), Idaho Code.

7 (3) (a) This chapter's requirements for submission to tests and pro-
8 cedures for obtaining a DNA sample and thumbprint impression from the
9 persons who are convicted of, or who plead guilty to, any felony crime,
10 ~~the attempt to commit any felony crime or any crime that requires sex~~
11 ~~offender registration pursuant to sections 18-8304 and 18-8410, Idaho~~
12 ~~Code, defined as a serious crime in section 19-5502(10), Idaho Code, are~~
13 ~~mandatory and apply to those persons convicted of, or who plead guilty~~
14 ~~to, such serious felony crimes, the attempt to commit such felony crimes~~
15 ~~or any crime that requires sex offender registration pursuant to sec-~~
16 ~~tions 18-8304 and 18-8410, Idaho Code, covered in this chapter prior to~~
17 ~~its effective date, and who, as a result of the conviction or plea, are~~
18 ~~incarcerated in a county jail facility or a penal facility, are under~~
19 ~~probation or parole supervision or are required to register as a sex of-~~
20 ~~fender pursuant to sections 18-8304 and 18-8410, Idaho Code, after the~~
21 ~~effective date of this chapter prior to July 1, 2025.~~

22 (b) This chapter's requirements for submission to tests and procedures
23 for obtaining a DNA sample and thumbprint impression for persons who are
24 convicted of any misdemeanor crime defined as a serious crime in section
25 19-5502(10), Idaho Code, are mandatory, and apply to those persons con-
26 vinced of, or who plead guilty to, such qualifying misdemeanor crimes
27 prior to July 1, 2025.

28 (4) The collection of samples and impressions specified in this chap-
29 ter are required, regardless of whether the person previously has supplied a
30 DNA sample to law enforcement agencies in any other jurisdiction. The col-
31 lection facility is not required to collect a DNA sample if it can be verified
32 that a sample already exists for ~~the individual~~ such person in the Idaho DNA
33 database.

34 (5) The requirements of this chapter are mandatory and apply, regard-
35 less of whether a court advises a person that samples and impressions must be
36 provided to the databank and database as a condition of probation or parole.

37 (6) Unless the court determines that an order of restitution would be
38 inappropriate or undesirable, it shall order any person subject to the pro-
39 visions of this section to pay restitution to help offset costs incurred by
40 law enforcement agencies for the expense of DNA analysis.

41 (7) The court may order such person to pay restitution for DNA analysis
42 in an amount not to exceed five hundred dollars (\$500) per DNA sample analy-
43 sis, or in the aggregate not more than two thousand dollars (\$2,000), regard-
44 less of whether:

45 (a) The source of the sample is the person, the victim or other persons
46 of interest in the case;

47 (b) Results of the analysis are entered into evidence in the person's
48 criminal case;

49 (c) The DNA sample was previously analyzed for another criminal case;
50 or

1 (d) Restitution for that DNA sample analysis was ordered in any other
2 criminal case.

3 (8) Law enforcement agencies entitled to restitution under this sec-
4 tion include the Idaho state police, county and city law enforcement agen-
5 cies, the office of the attorney general, county prosecuting attorneys and
6 city attorneys.

7 (9) In the case of reimbursement for DNA analysis performed by the Idaho
8 state police, those moneys shall be paid to the Idaho state police and de-
9 posited in the law enforcement fund. In the case of reimbursement to the of-
10 fice of the attorney general, those moneys shall be paid to the general fund.

11 (10) Persons who have been sentenced to death, or life without the pos-
12 sibility of parole, or to any life or indeterminate term are not exempt from
13 the requirements of this chapter.

14 SECTION 5. That Section [19-5507](#), Idaho Code, be, and the same is hereby
15 repealed.

16 SECTION 6. That Chapter 55, Title 19, Idaho Code, be, and the same is
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
18 ignated as Section 19-5507, Idaho Code, and to read as follows:

19 19-5507. RESPONSIBILITY FOR SAMPLE COLLECTION -- TIMING OF SAMPLE
20 COLLECTION -- SITE FOR SAMPLE COLLECTION. (1) Process for collection. The
21 process for collection of DNA samples and thumbprint impressions from per-
22 sons subject to the provisions of this chapter shall be as provided in this
23 section.

24 (2) Order for collection at sentencing. In every case in which any
25 person, including any juvenile tried as an adult, has been convicted of or
26 pleaded guilty to a serious crime as defined in section 19-5502(10), Idaho
27 Code, the court shall, at time of sentencing, order the person to submit a DNA
28 sample and thumbprint impression for Idaho state police forensic services
29 and order the collection of such samples and impressions as provided in this
30 section.

31 (a) Persons released at sentencing. At the time of sentencing, the
32 court shall order any person, including any juvenile tried as an adult,
33 subject to the provisions of this chapter and who is granted probation
34 or other supervised or conditional release following sentencing to re-
35 port before the end of the following business day to provide a DNA sample
36 and thumbprint impression at an Idaho state police-designated sample
37 collection location.

38 (b) Persons committed to jails or other local detention facilities
39 at sentencing. At time of sentencing, the court shall order any per-
40 son subject to the provisions of this chapter and who is sentenced to
41 a period of incarceration in a county jail or other local detention
42 facility to provide a DNA sample and thumbprint impression and shall
43 order the chief administrative officer of such facility to cause a DNA
44 sample and thumbprint impression to be collected from the person as soon
45 as possible during the intake process at the facility, or immediately
46 thereafter at another facility designated for such collections, but in
47 all cases, no later than ten (10) days after the person's arrival at the
48 facility.

1 (c) Persons committed to the departments of correction or juvenile cor-
2 rections at sentencing.

3 (i) At time of sentencing, the court shall order any person who
4 comes within the terms of this chapter and who is committed to the
5 custody of the department of correction or department of juve-
6 nile corrections to submit a DNA sample and thumbprint impression
7 as directed by the director of the department of correction or
8 department of juvenile corrections and shall order the director
9 of the department of correction or department of juvenile cor-
10 rections to cause a DNA sample and thumbprint impression to be
11 collected from any such person during the intake process at the
12 reception center designated by the director of the department of
13 correction or juvenile correction as soon as possible, but in any
14 event no later than ten (10) days following arrival at the insti-
15 tution.

16 (ii) Any person subject to the provisions of this chapter who is
17 serving a term of imprisonment or confinement, and who did not,
18 for any reason, provide a DNA sample or thumbprint impression for
19 analysis by Idaho state police forensic services, shall submit
20 to such tests as soon as practicable, but in any event prior to
21 final discharge, parole, or release from imprisonment or confine-
22 ment. The director of the department of correction or department
23 of juvenile corrections shall cause the sample and impression to
24 be collected within ten (10) days of receiving notice from Idaho
25 state police forensic services that the person has not previously
26 submitted a sample and impression. A person who was convicted
27 prior to July 1, 2025, is not exempt from these requirements.

28 (3) Collection prior to sentencing. Where a person subject to the pro-
29 visions of this chapter has been convicted or has pleaded guilty, but is not
30 yet sentenced, the prosecuting attorney, attorney general, or Idaho state
31 police may apply for an order requiring the person to submit to collection of
32 a DNA sample and thumbprint impression prior to sentencing. The court shall
33 order a sample and impression to be taken prior to sentencing upon a show-
34 ing that early collection of such samples is in the best interest of justice.
35 The DNA samples shall be collected in accordance with procedures established
36 by the bureau of forensic services. The director may designate a state or
37 county correctional facility for sample collection.

38 (4) Incarcerated persons who have not submitted a DNA sample or
39 thumbprint impression. Any person subject to the provisions of this chapter
40 who is serving a term of imprisonment or confinement, and who did not, for any
41 reason, provide a DNA sample or thumbprint impression for analysis by Idaho
42 state police forensic services, shall submit such sample and impression and
43 the administrator of the prison, jail, or other facility in which such person
44 is confined shall cause the sample and impression to be collected as soon as
45 practicable, but in any event no later than ten (10) days following notice
46 from Idaho state police forensic services that the person has not previously
47 submitted the sample and impression, or prior to final discharge from pro-
48 bation, parole, or release from imprisonment or confinement, whichever is
49 earlier. A person who was convicted prior to July 1, 2025, is not exempt from
50 these requirements.

1 (5) Persons on parole following incarceration. As a condition of pa-
2 role, any person subject to the provisions of this chapter and who has not
3 previously provided a DNA sample and thumbprint impression shall, upon no-
4 tice by Idaho state police forensic services, a law enforcement agency, or
5 an agent of the department of correction be required to provide a DNA sam-
6 ple and thumbprint impression if it has been determined that such sample and
7 thumbprint impression are not in the possession of Idaho state police foren-
8 sic services. Such person shall be required to have the sample and impres-
9 sion taken within ten (10) working days at an Idaho state police sample col-
10 lection location.

11 (6) Persons who are returned to state or local correctional facilities.
12 Any person who: is subject to the provisions of this chapter, including any
13 juvenile tried as an adult; is released on parole, furlough, or other release
14 and returned to a state or local juvenile or adult correctional institution
15 for a violation of a condition of such release; and has not previously pro-
16 vided a DNA sample and thumbprint impression shall provide a sample and im-
17 pression upon returning to the state or local correctional institution. The
18 chief administrative officer of such facility shall cause the sample and im-
19 pression to be taken as soon as possible, but no later than ten (10) days fol-
20 lowing notice from Idaho state police forensic services or discovery that
21 the person has not yet provided a sample and impression, or prior to final
22 discharge, parole, or release from imprisonment or confinement, whichever
23 is earlier.

24 (7) (a) Persons in Idaho pursuant to interstate agreement. When the
25 state accepts an offender from another state under any interstate com-
26 pact or under any other reciprocal agreement with any county, state,
27 or federal agency, or any other provision of law, whether or not the
28 offender is confined or released, the acceptance shall be conditional
29 on the offender providing a DNA sample and thumbprint impression if the
30 offender was convicted of an offense that would qualify as a serious
31 crime, as defined in section 19-5502(10), Idaho Code, if committed in
32 this state, or if the offender was convicted of an equivalent offense in
33 any other jurisdiction.

34 (b) If the offender from another state is not confined, the offender
35 shall provide the sample and impression required by this chapter within
36 ten (10) days after the offender reports to the supervising agent or
37 within ten (10) days of notice to the offender from Idaho state police
38 forensic services, any law enforcement agency or the offender's super-
39 vising agency, whichever occurs first. The offender shall report to an
40 Idaho state police-designated sample collection facility to have the
41 sample and impression taken.

42 (c) If the offender from another state is confined in a state, county,
43 or local correctional facility, the offender shall provide, and the
44 administrative officer of such facility shall cause to be collected,
45 the DNA sample and thumbprint impression as soon as practicable, but no
46 later than ten (10) days after receipt into such facility, or within ten
47 (10) days following notice from Idaho state police forensic services
48 that the person has not yet provided a sample and impression, or before
49 completion of the offender's term of imprisonment, or before the of-
50 fender is to be discharged from the facility, whichever is earlier.

1 (8) The collection facility and sex offender registration location
2 shall verify that the person's DNA sample has been collected in Idaho. The
3 collection facility shall not be required to collect a DNA sample if it can be
4 verified that a sample already exists for the person in the Idaho DNA data-
5 base.

6 SECTION 7. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after
8 July 1, 2025.